

Culberson
A. Smith

Pennington
Wilson

Heflin Eckels
Mowery Vost

By Williamson

H.J.R. No. 31

A JOINT RESOLUTION

1 proposing a constitutional amendment to reserve to the people the
2 power of referendum.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article XIII of the Texas Constitution is amended
5 to read as follows:

6 Art. XIII. POWERS RESERVED TO THE PEOPLE [SPANISH--AND
7 MEXICAN-LAND-TITLES]

8 (Sec. 1 reserved)

9 Sec. 2. (a) The qualified voters may challenge any Act of
10 the legislature, in whole or in part, except an Act that
11 establishes budgets for the various agencies of the state
12 government or that establishes the salaries for the various
13 offices.

14 (b) An Act of the legislature, or part of an Act, shall be
15 placed before the qualified voters in a statewide election if an
16 application for a referendum is presented to the secretary of state
17 containing the signatures of qualified voters in a number equal to
18 at least 10 percent of the total vote cast for the office of
19 governor at the most recent gubernatorial general election. The
20 application must be submitted to the secretary of state not later
21 than the 90th day after the date of adjournment of the session at
22 which the Act in question was passed.

23 (c) An application for a referendum must indicate the number
24 of the original bill relating to the Act, quote in full the caption

1 of the bill, and declare the signers' desire for a referendum
2 election on the Act. An application must also indicate whether the
3 entire Act is to be challenged or merely part of the Act. If an
4 Act is challenged only in part, the application must specify the
5 parts challenged.

6 (d) The title of an application for a referendum shall be "A
7 Referendum Challenge". The challenging clause shall be "Be It
8 Demanded By The People Of The State Of Texas:".

9 (e) The secretary of state shall examine an application for
10 a referendum not later than the 45th day after the date the
11 application is received. He shall inspect the signatures to
12 determine their validity and, if he determines that the application
13 contains the requisite number of valid signatures, he shall endorse
14 it under the Great Seal of Texas and shall order an election to be
15 held on the first Saturday after 30 days have elapsed from the time
16 of his endorsement.

17 (f) The ballot proposition shall be worded as
18 follows: "Shall the Act of the (HERE STATE THE NUMBER OF THE
19 LEGISLATURE) Legislature, (HERE SPECIFY THE SESSION) Session, in
20 (HERE INDICATE THE HOUSE IN WHICH THE BILL ORIGINATED) Bill No.
21 (HERE INDICATE THE BILL'S NUMBER) captioned as '(HERE QUOTE THE
22 BILL'S CAPTION IN FULL)' be nullified?" If the Act in question is
23 to be nullified only in part, the affected part must be specified
24 by adding between the word "nullified" and the question mark "in
25 its sections (HERE INDICATE THE SPECIFIC SECTIONS TO BE
26 ADDRESSED)".

27 (g) If a majority of the qualified voters participating vote

1 in the affirmative to the ballot proposition, then the Act, or part
2 of the Act, is immediately nullified. When an Act is only
3 partially nullified, all parts of it that may be given effect
4 without the nullified parts remain in force.

5 (h) Enabling laws may be enacted to give effect to this
6 section.

7 SECTION 2. Article I, Section 28 of the Texas Constitu-
8 tion is amended to read as follows:

9 Sec. 28. No power of suspending laws in this State shall
10 be exercised except by the Legislature and by the qualified
11 electors, as provided elsewhere in this Constitution.

12 SECTION 3. Article XVI, Section 48 of the Texas Constitu-
13 tion is amended to read as follows:

14 Sec. 48. All laws and parts of laws now in force in the
15 State of Texas, which are not repugnant to the Constitution of
16 the United States, or to this Constitution, shall continue and
17 remain in force as the laws of this State, until they expire
18 by their own limitation or shall be amended or repealed either
19 by the Legislature or by the qualified electors.

20 SECTION 4. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held November 7, 1989.
22 The ballot shall be printed to provide for voting for or against
23 the proposition: "The constitutional amendment to reserve to the
24 people the power to reject, by referendum, laws enacted by the
25 legislature."

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to reserve to the people the power of referendum.

DEC 19 1988

1. Filed with the Chief Clerk.

JAN 25 1989

2. Read first time and referred to Committee on

State Affairs

3. Reported favorably (as amended) and sent to Printer at (as substituted)

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

11. Ordered Engrossed at

12. Engrossed.

13. Returned to Chief Clerk at

14. Sent to the Senate.

Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by (a viva voce vote.) _____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

22. Read second time passed to third reading by: (a viva voce vote.) _____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.)
(as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____